

## Message Text

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ORIGIN SS-15

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FM SECSTATE WASHDC  
TO AMEMBASSY TOKYO IMMEDIATE

S E C R E T STATE 245718

EXDIS, FOR ASSISTANT ATTORNEY GENERAL CIVILETTI ONLY

FOLLOWING REPEAT SEOUL 8654 ACTION SECSTATE IMMEDIATE  
OCT 13

QUOTE: S E C R E T SEOUL 8654

EXDIS

E.O. 11652: XGDS-3  
TAGS: PGOV, KS, US  
SUBJECT: TONG-SUN PARK

1. TWO SEPARATE EMBASSY SOURCES (PARK CHUNG SOO AND ROW CHIN HWAN) HAVE INDICATED THAT ROKG MAY BE WILLING TO PERMIT DIRECT EXAMINATION BY AMERICAN OFFICIALS OF TONG-SUN PARK. THIS EXAMINATION WOULD TAKE PLACE IN THE PRESENCE OF KOREAN OFFICIALS, WHOSE SOLE FUNCTION, HOWEVER, WOULD BE TO PROTECT PARK'S RIGHT UNDER KOREAN LAWS. ONE SOURCE, ASSEMBLYMAN ROW, SAID THAT ROKG WOULD PROBABLY FIRST SUGGEST THE "KOTCHIAN FORMULA" IN WHICH QUESTIONS WOULD BE RELATED THROUGH A KOREAN OFFICIAL TO TONG-SUN PARK. ROKG WOULD,  
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HOWEVER, FALL BACK TO THE DIRECT EXAMINATION FORMULA IN EXCHANGE FOR SOME ASSURANCES THAT U.S. ADMINISTRATION WOULD BRING TONG-SUN PARK INVESTIGATION TO AN EARLY CONCLUSION.

2. BOTH SOURCES INDICATED THAT TONG-SUN PARK WOULD HAVE TO TESTIFY SUBJECT TO THE POSSIBILITY OF PERJURY PROSECUTION. ONE SOURCE INDICATED THAT THE WITNESS WOULD TAKE AN

OATH AS IN THE UNITED STATES, "TO TELL THE TRUTH, THE WHOLE TRUTH, AND NOTHING BUT THE TRUTH". THE OTHER SOURCE SAID THAT THAT MAY NOT NECESSARILY BE THE CASE, BUT THAT IN KOREA THE PROSECUTOR NORMALLY WARNS THE WITNESS THAT HE MUST TELL THE TRUTH OR BE SUBJECT TO PERJURY CHARGES WITHOUT AN OATH BEING TAKEN. THE CHIEF JUSTICE TOLD THE AMBASSADOR THAT IF THE EXAMINATION IS CONDUCTED BY KOREAN OFFICIALS, THEN THE WITNESS IS AUTOMATICALLY UNDER OATH. HOWEVER, IF THE QUESTIONS ARE POSED DIRECTLY TO WITNESS BY THE FOREIGN OFFICIALS, THEN WITNESS HAS OPTION TO RESPOND UNDER OATH OR NOT, AS HE WISHES.

3. ROW FURTHER STATED THAT VICE MINISTER LEE CHONG WON OF THE MINISTRY OF JUSTICE IS NOW EXAMINING THE FEASIBILITY OF GIVING THE AMERICAN OFFICIALS THE "RIGHT TO INVESTIGATE". APPARENTLY THERE IS LEGAL AUTHORITY IN KOREA FOR THE KOREAN PROSECUTOR TO PASS ON HIS INVESTIGATIVE RIGHTS TO A FOREIGN OFFICIAL. ROW INDICATED THAT VICE MINISTER LEE IS LEANING IN THIS DIRECTION, PROVIDED, OF COURSE, THAT THE ROKG COULD BE ASSURED THAT THE USG INVESTIGATION AND PROSECUTION WOULD BE BROUGHT TO A SPEEDY CONCLUSION.

4. IN RESPONSE TO THE QUESTION WHETHER PARK TONG-SUN COULD BE INDICTED IN ROK FOR CRIMES COMMITTED IN U.S., BOTH SOURCES GAVE NEGATIVE REPLY. HOWEVER, THEY POINTED OUT THAT IF THE CRIMES COMMITTED IN U.S. DAMAGED ROK'S  
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IMAGE AND REPUTATION, THEN PARK COULD BE INDICTED FOR THAT CRIME.

5. BOTH SOURCES ALSO CONFIRMED THAT THERE ARE RULES OF EVIDENCE WHICH LIMIT QUESTIONING TO SPECIFIC CASE UNDER INVESTIGATION. ROK ALSO HAS EQUIVALENT OF "FIFTH AMENDMENT" WHICH ALLOWS WITNESS TO REFUSE TO ANSWER QUESTIONS WHICH MIGHT INCRIMINATE HIM. PARK CHUNG SOO INDICATED THAT THERE MIGHT BE GREAT DIFFICULTIES IN RAISING QUESTIONS WHICH ATTEMPT TO TIE TONG-SUN PARK TO ROK GOVERNMENT, ALTHOUGH CONNECTING PARK WITH INDIVIDUAL ROK OFFICIALS MIGHT HAVE EASIER SAILING.

6. BOTH SOURCES INDICATED THAT THE OPTION TO INTERVIEW TONG-SUN PARK IN A THIRD COUNTRY HAS BEEN REJECTED BY THE PRESIDENT WHO HAS DECIDED TO EXTEND FULL COOPERATION TO THE AMERICAN OFFICIALS IN EXCHANGE FOR A QUICK ENDING TO THE CASE.

7. THE ONE SOURCE, PARK CHUNG SOO, IS CLOSE TO KCIA AND PARTICULARLY ITS DIRECTOR. ASSEMBLYMAN ROW, WHO HAS PREVIOUSLY PROVIDED RELIABLE INFORMATION, IS A CLASSMATE

OF VICE MINISTER LEE AND ALLEGEDLY HAS SEEN HIM RECENTLY.  
SNEIDER  
UNQUOTE VANCE

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## Message Attributes

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